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and Other Cruel, Inhuman
or Degrading Treatment
or Punishment

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COMMITTEE AGAINST TORTURE

Twentieth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 343rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 20 May 1998, at 4.10 p.m.

Chairman: Mr. BURNS

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ANNUAL REPORT OF THE COMMITTEE ON ITS ACTIVITIES

* The summary record of the first part (closed) of the meeting appears as document CAT/C/SR.343.

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GE.98-16311 (E)

The meeting was called to order at 4.10 p.m.

ANNUAL REPORT OF THE COMMITTEE ON ITS ACTIVITIES (agenda item 12) (CAT/C/XX/CRP.1 and Add.2-8)

1. The Chairman invited the Committee to take up the adoption of its annual report.

2. Mr. SØRENSEN (Committee Rapporteur), introducing the report, asked Mr. Bruni (Secretary of the Committee) to read out the corrections to chapter I, Organizational and other matters (CAT/C/XX/CRP.1).

Chapter I - Organizational and other matters (CAT/C/XX/CRP.1)

3. Mr. BRUNI (Secretary of the Committee) said that in paragraph 1, the number of States parties to the Convention should be amended to 105. In paragraph 7, "none" should be replaced by "only one". In paragraph 8 the first sentence should be amended to read: "All the members attended the nineteenth and twentieth sessions of the Committee". The second sentence of the paragraph should be deleted. The following entries should be made in the blanks left in paragraphs 9, 10, 11 and 13 for meeting numbers and dates of Committee action: paragraph 9, "318th meeting, on 4 May 1998"; paragraph 10, "322nd meeting, on 6 May 1998"; and paragraph 11, "318th meeting, on 4 May 1998". Also in paragraph 11, the following additions should be made: Chairman, Mr. Burns; Vice-Chairmen, Mr. Camara, Mr. González Poblete and Mr. Zuppančič; and Rapporteur, Mr. Sørensen. The blanks in paragraph 13 should read: "318th meeting, on 4 May 1998".

4. Mr. GONZÁLEZ POBLETE said that paragraph 2 should specifically mention the number of States making declarations, reservations or objections under articles 21 and 22, in order to encourage States to subscribe to those articles.

5. Mr. SØRENSEN said that if such references were added, then the list of countries having made the declaration under article 22 should be deleted from chapter VII, consideration of communications under article 22 of the Convention. It was simply a question of deciding where the list should be placed.

6. Mr. BRUNI (Secretary of the Committee) proposed replacing the last sentence in paragraph 1 with a reference to the effect that the list of States which had made declarations under articles 21 and 22 of the Convention was contained in annex I to the report.

7. Mr. EL MASRY said that that still left unresolved the question of States having made reservations with respect to article 20.

8. The CHAIRMAN proposed that a new sentence should be added referring to a further annex containing the list of countries having made reservations with respect to article 20.

9. It was so decided.

10. Following a discussion in which Mr. EL MASRY, Mr. SØRENSEN and Mr. BRUNI (Secretary of the Committee) took part, it was decided to add the following wording to the first sentence in paragraph 13, from which the word "following" would be deleted: "... and added a new item entitled 'Amendments to the rules of procedure'. The agenda was composed of the following items:". In the list of agenda items, "Amendments to the rules of procedure" consequently became the new item 10, with the present items 10 and 11 being renumbered 11 and 12, respectively.

11. Mr. BRUNI (Secretary of the Committee) proposed that a subheading entitled "Nineteenth Session" should be added under the heading "G. Question of a draft optional protocol to the Convention". A further subheading would then be added after paragraph 14, to be entitled "Twentieth session", followed by a new paragraph 15, which would read: "At the 328th meeting, on 11 May 1998, the Committee decided that Mr. Sørensen would continue to act as its observer in the inter-sessional open-ended working group of the Commission on Human Rights elaborating the protocol".

12. Document CAT/C/XX/CRP.1, as amended, was adopted.

Chapter III - Submission of reports by States parties under article 19 of the Convention (CAT/C/XX/CRP.1/Add.2)

13. Mr. BRUNI (Secretary of the Committee) said that the first sentence in paragraph 1 should be amended to read: "The Committee, at its 299th, 318th and 330th meetings, held on 9 November 1997 and 4 and 12 May 1998, considered the status of submission of reports under article 19 of the Convention".

14. A new phrase should be added at the end of paragraph 2, namely: "and the third periodic reports of Hungary (CAT/C/44/Add.10) and the United Kingdom of Great Britain and Northern Ireland (CAT/C/44/Add.1)".

15. In paragraph 5, at the suggestion of Mr. Sørensen, Committee Rapporteur, and as endorsed by the Committee, States parties that were more than five years, rather than four as in the current text, overdue in the submission of their reports should be listed by name. Two new sentences would be inserted accordingly, after the second sentence to read: "The Committee noted that the following States parties had failed to comply for more than five years with their obligation to submit their initial reports: Benin, Bosnia and Herzegovina, Brazil, Estonia, Guinea, Guyana, Latvia, Somalia, Togo, Uganda, Venezuela and Yemen. In addition, second periodic reports from the following States parties were more than five years overdue: Afghanistan, Austria, Belize, Bulgaria, Cameroon, Luxembourg, the Philippines, Togo and Uganda". The rest of the paragraph would remain unchanged.

16. After the existing paragraph 7, a new paragraph 8 would be inserted saying that: "The Committee also envisaged the possibility that information which it may receive from the United Nations, non-governmental and other sources on the implementation of the Convention in States parties whose reports are long overdue should be sent to those non-reporting States, requesting them to give their views on that information". Paragraph 8 of the current draft would then become paragraph 9.

17. Document CAT/C/XX/CRP.1/Add.2, as amended, was adopted.

Chapter IV - Consideration of reports submitted by States parties under article 19 of the Convention (CAT/C/XX/CRP.1/Add.3)

18. Document CAT/C/XX/CRP.1/Add.3, concerning the Committee's consideration of reports submitted by States parties under article 19 of the Convention and the conclusions on which had been adopted at the nineteenth session, was adopted.

19. The Committee also decided to adopt the chapter of its report concerning the conclusions adopted at its twentieth session (Future CAT/C/XX/CRP.1/Add.4/Part 1).

Chapter V - General comment of the Committee

Chapter VI - Activities of the Committee under article 20 of the Convention (CAT/C/XX/CRP.1/Add.5)

20. Mr. SØRENSEN (Committee Rapporteur) said that, with regard to chapter VI, the secretariat would adjust the number of closed meetings that had been devoted to the Committee's activities under that article.

21. Document CAT/C/XX/CRP.1/Add.5, as amended, was adopted.

Chapter IX - Adoption of the annual report of the Committee (CAT/C/XX/CRP.1/Add.7)

22. Document CAT/C/XX/CRP.1/Add.7 was adopted, subject to the blanks in paragraph 3 being filled in by the secretariat.

Annexes (CAT/C/XX/CRP.1/Add.8)

23. Mr. SØRENSEN (Committee Rapporteur) said that, in the light of the Committee's discussion, new annexes would be added and existing annexes renumbered: annex VII would contain the revised guidelines for periodic reports; annex VIII, amendments to the rules of procedure; annex IX, the joint declaration by the Special Rapporteur against Torture, the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, the High Commissioner for Human Rights and the Committee Against Torture regarding the International Day in support of Victims of Torture, to be celebrated on 26 June; and annex X would be the old annex VII, List of documents for general distribution issued for the Committee during the reporting period. Two further annexes would be added listing the States parties having made declarations under articles 20 and 22 of the Convention.

24. Document CAT/C/XX/CRP.1/Add.8, as amended, was adopted.

The meeting rose at 4.40 p.m.